

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§9–230.

(a) (1) The Department of the Environment shall adopt regulations to carry out this Part III of this subtitle.

(2) The Department of the Environment may not adopt a regulation or part of a regulation that deals with the land application of sewage sludge without the approval of the Department of Agriculture.

(b) In adopting regulations under this Part III and §§ 9-269 and 9-270 of this subtitle, the Department of the Environment shall consider:

(1) Alternative utilization methods;

(2) Pathogen control;

(3) Advertising requirements for public hearings and public information meetings;

(4) Performance bonds, liability insurance, or other forms of security;

(5) Procedures for notifying units of local government and other interested parties; and

(6) Adequate standards for transporting sewage sludge, including requirements for enclosing or covering sewage sludge during transportation.

(c) In addition to the considerations under subsection (b) of this section, in adopting regulations for the land application of sewage sludge, the Department of the Environment shall consider:

(1) Methods for calculating loading rates that:

(i) Will assure nondegradation of the groundwater supply;

and

(ii) For agricultural land, shall be limited by the nutrient requirements of crop or cover vegetation, as recommended by the Department of Agriculture;

- (2) The crops that are to be grown on land on which sewage sludge may be applied;
 - (3) The nature of any nearby surface water or groundwater;
 - (4) The character of any affected area;
 - (5) The character of nearby existing or planned land uses and transport routes;
 - (6) The nearness of the land on which sewage sludge may be applied to sensitive areas, including flood plains, wetlands, and areas of critical concern;
 - (7) The definitions of:
 - (i) Sewage sludge that is unsuitable for application to agricultural land;
 - (ii) Agricultural land;
 - (iii) Marginal land; and
 - (iv) Compost;
 - (8) Acceptable cumulative loading rates, including rates for nitrogen and heavy metals;
 - (9) Special requirements of land used for producing tobacco; and
 - (10) Reasonable buffer areas to separate any home or other property from land on which sewage sludge may be applied.
- (d) (1) The Department shall adopt regulations to establish a mechanism for determining annual generator's fees.
- (2) The regulations shall provide for public input into the development of fee schedules.
 - (3) The fee schedules shall take into account:
 - (i) The volume of sewage sludge generated by a sewage sludge generator;
 - (ii) The method by which the sewage sludge is utilized;

(iii) The anticipated costs of monitoring and regulating sewage sludge utilization sites;

(iv) The anticipated needs of the State's sewage sludge regulation program; and

(v) The potential hazard of the sewage sludge generator's activities to public health, safety, or welfare or to the environment.

[\[Previous\]](#)[\[Next\]](#)